

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

Caption in Compliance with D.N.J. LBR 9004-1(b)

CURCIO MIRZAIAN SIROT LLC
5 Becker Farm Road, Suite 406
Roseland, New Jersey 07068
(973) 226-4534
Attorneys for Creditor, Signature Place at Garfield
Condominium Association, Inc.

In Re:

KEVIN L. ALTAMIRANO,

Case No.: 20-11130-VFP

Chapter 13

Hearing Date: August 6, 2020

Honorable Vincent F. Papalia

NOTICE OF MOTION TO LIFT AUTOMATIC STAY OF REAL PROPERTY

Signature Place at Garfield Condominium Association, Inc. has filed papers with the Court to lift the automatic stay of real property located at 5 Dahlia Lane, Garfield, New Jersey 07026.

YOUR RIGHTS MAY BE AFFECTED. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one).

If you do not want the court to grant this motion, or if you want the court to consider your views, you or your attorney must file with the clerk at the address listed below, a written response explaining your position no later than 7 days prior to the hearing date.

Hearing Date: August 6, 2020

Hearing Time: 10:00 A.M.

Hearing Location: United States Bankruptcy Court,
50 Walnut Street
Newark, New Jersey

Courtroom Number: 3B

If you mail your response to the clerk for filing, you must mail it early enough so the court will receive it on or before 7 days prior to the hearing date.

You must also mail a copy of your response to:

Marie-Ann Greenberg, Trustee
30 Two Bridges Road
Fairfield, New Jersey 07004

You must also serve a copy of your response to all Parties listed in the attached Certification of Service.

If you, or your attorney, do not take the steps outlined above, the court may decide that you do not oppose the relief sought in the motion and may enter an order granting that relief.

CURCIO MIRZAIAN SIROT LLC

Date: ____July 13, 2020_____

/s/ Jeffrey A. Sirot

Jeffrey A. Sirot
Attorneys for Creditor,
Signature Place at Garfield
Condominium Association, Inc.

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CERTIFICATION OF ANGEL KATORINCEK

I, Angel Katorincek, representative for Signature Place at Garfield Condominium Association, Inc. in the above captioned case, submit this Certification in support of the Motion to Lift Automatic Stay of Real Property filed by counsel on July 13, 2020.

1. Movant governs a planned residential community located in Garfield, New Jersey, known as Signature Place at Garfield Condominium Association.

2. Kevin L. Altamirano (the "Debtor") is the owner of 5 Dahlia Lane, Garfield, New Jersey 07026 (the "Unit").

3. By virtue of Debtor's ownership of the Unit, Debtor is a member of the Association and subject to the terms of the Association's Master Deed and By-laws ("Governing Documents").

4. Pursuant to the Governing Documents, Debtor is obligated to pay the Association an annual maintenance fee which is payable in monthly installments. Debtor is also obligated to pay any other charges or fees levied by the Association.

5. Due to the Automatic Stay, Movant has been unable to protect its interest by placing a lien on the Unit and proceeding with a foreclosure action.

6. The Debtor's post-petition balance (balance after January 24, 2020) with Movant is delinquent in the amount of \$2,136.80 as of July 1, 2020. A breakdown of the balance is provided below as Schedule "A".

SCHEDULE "A"

Monthly Maintenance Fees from February 1, 2020, through and including July 1, 2020 (6 months @ \$335.30/month).....	\$ 2,011.80
Late Fees from February 12, 2020, through and including June 12, 2020 (5 months @ \$25.00/month).....	\$ 125.00
Total Amount Due to the Association as of July 1, 2020.....	\$ 2,136.80

**For the limited purpose of this motion, the Total Amount Due does not include fines or attorneys fees. The Association reserves the right to seek these fees at a later date.*


7. On May 7, 2020, the Association's counsel sent a letter to the Debtor's attorney notifying him of the Debtor's delinquency in payment of post-petition condominium assessments. To date, no response has been received to said notice.

8. Pursuant to Debtor's ongoing obligation to pay the Association assessments, charges and other fees and Debtor's failure to pay any post-petition balance, Movant contends that cause exists to grant relief from the Automatic Stay.

9. Movant has cause to have relief from the automatic stay immediately and such relief should not be subject to the fourteen day period set forth in Bankruptcy Rule 4001(a)(3), as Movant will incur substantial additional costs and expenses by the imposition of said fourteen day period.

I certify under the penalty of perjury that the foregoing information is true and correct.

Dated: 7/9/2020


Angel Katorincek

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CERTIFICATION AS TO WHY NO BRIEF IS NECESSARY

In accordance with D.N.J. LBR 9013-1(a)(3), it is respectfully submitted that no brief is necessary in the court's consideration of this motion, as it does not involve complex issues of law.

CURCIO MIRZAIAN SIROT LLC

Date: ____ July 13, 2020 ____

/s/ Jeffrey A. Sirot

Jeffrey A. Sirot

Attorneys for Creditor,

Signature Place at Garfield

Condominium Association, Inc.

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Chapter: 13

Adv. No.:

Hearing Date: August 6, 2020

Judge: Vincent F. Papalia

CERTIFICATION OF SERVICE

1. I, Nicholas M. Ianos :

☐ represent _____ in this matter.

☒ am the secretary/paralegal for Curcio Mirzaian Sirot LLC, who represents
Signature Place at Garfield in this matter.

☐ am the _____ in this case and am representing myself.

2. On July 13, 2020, I sent a copy of the following pleadings and/or documents
to the parties listed in the chart below.

Notice of Motion to Lift Automatic Stay of Real Property.

Certification in Support of Motion to Lift Automatic Stay of Real Property.

Statement as to Why No Brief is Necessary.

Proposed Order Granting Motion to Lift Automatic Stay of Real Property

3. I certify under penalty of perjury that the above documents were sent using the mode of service
indicated.

Date: July 13, 2020



Signature

Name and Address of Party Served	Relationship of Party to the Case	Mode of Service
Robert C. Nisenson Robert C. Nisenson, LLC 10 Auer Court Suite E East Brunswick, NJ 08816	Attorney for Debtor	<input type="checkbox"/> Hand-delivered <input type="checkbox"/> Regular mail <input type="checkbox"/> Certified mail/RR <input checked="" type="checkbox"/> Other <u>Electronically</u> (As authorized by the Court or by rule. Cite the rule if applicable.)
Marie-Ann Greenberg Chapter 13 Standing Trustee 30 Two Bridges Road Suite 330 Fairfield, NJ 07004	Trustee	<input type="checkbox"/> Hand-delivered <input type="checkbox"/> Regular mail <input type="checkbox"/> Certified mail/RR <input checked="" type="checkbox"/> Other <u>Electronically</u> (As authorized by the Court or by rule. Cite the rule if applicable.)
U.S. Trustee US Dept of Justice Office of the US Trustee One Newark Center Ste 2100 Newark, NJ 07102	U.S. Trustee	<input type="checkbox"/> Hand-delivered <input type="checkbox"/> Regular mail <input type="checkbox"/> Certified mail/RR <input checked="" type="checkbox"/> Other <u>Electronically</u> (As authorized by the Court or by rule. Cite the rule if applicable.)
Kevin L. Altamirano 1555 Lexington Avenue New York, NY 10029	Debtor	<input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular mail <input checked="" type="checkbox"/> Certified mail/RR <input type="checkbox"/> Other _____ (As authorized by the Court or by rule. Cite the rule if applicable.)
		<input type="checkbox"/> Hand-delivered <input type="checkbox"/> Regular mail <input type="checkbox"/> Certified mail/RR <input type="checkbox"/> Other _____ (As authorized by the Court or by rule. Cite the rule if applicable.)

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Recommended Local Form:

☐ Followed

☐ Modified

ORDER VACATING STAY

The relief set forth on the following page is hereby **ORDERED**.

Upon the motion of Signature Place at Garfield Condominium Association, Inc., under Bankruptcy Code section 362(a) for relief from the automatic stay as to certain property as hereinafter set forth, and for cause shown, it is

ORDERED that the automatic stay is vacated to permit the movant to institute or resume and prosecute to conclusion one or more actions in the court(s) of appropriate jurisdiction to pursue the movant's rights in the following:

☒ Real property more fully described as:

5 Dahlia Lane
Garfield, NJ 07026

It is further ORDERED that the movant, its successors or assignees, may proceed with its rights and remedies under the terms of the subject mortgage and pursue its state court remedies including, but not limited to, taking the property to sheriff's sale, in addition to potentially pursuing other loss mitigation alternatives, including, but not limited to, a loan modification, short sale or deed-in-lieu foreclosure. Additionally, any purchaser of the property at sheriff's sale (or purchaser's assignee) may take any legal action for enforcement of its right to possession of the property.

☐ Personal property more fully described as:

It is further ORDERED that the movant may join the debtor and any trustee appointed in this case as defendants in its action(s) irrespective of any conversion to any other chapter of the Bankruptcy Code.

The movant shall serve this order on the debtor, any trustee and any other party who entered an appearance on the motion.